

California Victim Compensation and Government Claims Board

Open Meeting Minutes

August 31, 2006 Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Rosario Marin, Secretary, State and Consumer Services Agency, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, August 31, 2006, at 9:07 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; and Linda Paluda, Manager, Government Claims Program. Lola Odunlami, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Minutes for June 15, 2006 Board Meeting

The Board voted to adopt the minutes of the June 15, 2006 Board meeting.

Item 2. Public Comment

The Board opened the meeting for public comment. No public comment was offered.

Item 3. Executive Officer's Statement

Karen McGagin gave her report to the Board which included the following information:

- The impact of the Board's decisions in January and February 2006 to adjust mental health and funeral service benefits pays off; VCGCB received 46,867 new claims and paid out \$66.0 million, an 11.7% increase in compensation payments compared to the prior year.
- State and Consumer Services Agency nominates CaRES in the national 2006 Digital States Survey as one of California's "most significant technological advances" during the past two years.
- VCGCB's Revenue Recovery expansion yields monthly average of \$4.6 million in restitution by partnering with counties, the Franchise Tax Board, and the California Department of Corrections and Rehabilitation.
- The implementation of 2004 legislation satisfies VCGCB's objective of reducing the number of frivolous claims against state agencies by almost 40 percent; an average of 10,000 a year to 6,130 in May 2006.
- Karen McGagin, Executive Officer, and Tom O'Connor, Chief Deputy Executive Officer, attended the National Organization of Victim Assistance annual conference conducted from August 20-25 in Florida.
- The VCGCB is one of the sponsors participating in the upcoming Cyber Safety Summit, hosted by the Department of Consumer Affairs.
- VCGCB presentation of the CaRES system to the Victim Assistance Coordinating Council on August 1.

- The Executive Officer, and Kathleen Andleman, Chief Counsel, participated in the U.S. Attorney's Office Federal Victim Witness Task Force meeting on August 17 in San Francisco.
- VCGCB relocation to new headquarters at 400 R Street in Sacramento November 2006.

Government Claims Program

Item 4. Consent Agenda (1- 478)

The Board voted to adopt staff recommendations for items 1 through 478, with the exception of item number 218, which was continued to the October 19, 2006 Board Meeting.

Item 5. Mark III Engineering Contractors **G549910**

Tim O'Brien, owner and partner, appeared on behalf of claimant.

The Board voted to adopt the staff recommendation to allow the claim.

Item 6. City of St. Helena **G559043**

Karen Scalabrini, Director of Finance of the City of St. Helena, appeared.

The Board voted to adopt the staff recommendation to allow the claim.

Item 7. Cognos Corporation **G559808**

Donna Corbin, Senior Staff Counsel, appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim.

Item 8. Hewlett Packard Company **G559811**

Donna Corbin, Senior Staff Counsel, appeared on behalf of the Department of Corrections and Rehabilitation. Howard Baker, Sales Representative, appeared on behalf of claimant.

The Board voted to adopt the staff recommendation to allow the claim.

Item 9. Applications for Discharge from Accountability for Collection

The Board voted to adopt the staff recommendation.

Item 10. Mileage Reimbursement for Elected Officials and Members of the Judiciary

The Board voted to adopt the staff recommendation.

Item 11. Jeannette Turner (Penal Code § 4900) Claim Nos. G343484, G513787 and G343837

The Board voted to adopt the proposed decision to deny the claim.

**Item 12. Protest of 3Di Corporation System
Request for Proposal MSA 54157**

Kathleen Yates, Senior Staff Counsel, appeared on behalf of the Department of General Services.

The Board voted to adopt the proposed decision to deny the protest.

**Item 13. Protest of Komatsu America Corporation
Invitation for Bid No. 4820**

Kathleen Yates, Senior Staff Counsel, appeared on behalf of the Department of General Services. Walt Westerback, Manager of Government Sales at Komatsu, appeared on behalf of the claimant.

The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

**Item 14. Protest of Komatsu America Corporation
Invitation for Bid No. 54958**

Kathleen Yates, Senior Staff Counsel, appeared on behalf of the Department of General Services. Walt Westerback, Manager of Government Sales at Komatsu, appeared on behalf of the claimant.

The Board voted to adopt the proposed decision to deny the protest.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 9:47 a.m.

Item 15. Contract Report

The Executive Officer delivered her contract report to the Board.

Item 16. CaRES Report

Chief Information Officer, Debra Gonzales delivered the CaRES report to the Board.

Item 17. Consent Agenda

Numbers 1-135 The Board voted to adopt the staff recommendations.

Item 18. Reconsiderations

Numbers 136 – 186 The Board voted to adopt the staff recommendations to deny the requests for reconsideration.

Closed Session

Pursuant to Government Code sections 11126(c)(3) and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 10:00 am to deliberate on the proposed decisions, numbers 187 through 224, and to confer with and receive advice from legal counsel regarding pending litigation.

The Board reconvened into open session at 10:07 a.m.

Open Session

The Board voted to adopt the proposed decisions, numbers 187 through 224.

Adjournment

The meeting adjourned at 10:10 a.m.

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of September 27, 2006, at Sacramento, California.

Date: September 27, 2006

By: _____
Lola O. Odunlami
Board Liaison

(Affix seal here)